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*Attorneys for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MERCK & CO., INC., and  
MERCK SHARP & DOHME CORP.,

Plaintiffs,

v.

MERCK KGAA,

Defendant.

Civil Action No.  
2:16-cv-00266-ES-MAH

**NOTICE OF MOTION**

Hon. Esther Salas, U.S.D.J.

Return Date: To Be Determined

Oral Argument Requested

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**PLEASE TAKE NOTICE** that on a date and time to be set by the Court, the undersigned attorneys for Defendant, Merck KGaA, Darmstadt, Germany (“Merck KGaA”), shall apply to this Court pursuant to Federal Rule of Civil Procedure 56 for an Order granting Merck KGaA’s Motion for Partial Summary Judgment dismissing with prejudice Counts III, V, XIII, and IX in their entirety, and Counts I, II, IV, VI, VII, and X to the extent they are premised on allegations

that Merck KGaA may not use “Merck KGaA, Darmstadt, Germany” as a corporate name in the United States of America; and

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Merck KGaA shall rely on its Memorandum of Law, its Civil Rule 56.1 Statement of Undisputed Facts, the Declaration of Jonas Kölle, the Declaration of Renee Connolly, and the Declaration of Megan K. Bannigan together with the exhibits thereto; and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is being submitted herewith and that oral argument is requested.

Dated: January 10, 2022

Respectfully submitted,

/s/ Stephen M. Orlofsky

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**CERTIFICATION OF SERVICE**

I, Stephen M. Orlofsky, hereby certify that on this day I caused Defendant's Motion for Partial Summary Judgment to be served upon all counsel of record via the Court's CM/ECF system, and sealed portions served via email.

Dated: January 10, 2022

/s/ Stephen M. Orlofsky

STEPHEN M. ORLOFSKY